

REMARKS

I. Status of the Application

Claims 1-12 and 21-34 are pending in this application subject to entry of the above amendments by the Examiner, including cancellation of claims 13-20, 35 and 36.

In the May 8, 2006 Office action, the Examiner:

(i) rejected claims 33-36 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;

(ii) rejected claims 1, 4-7, 13, 17-19, 20-22, 25-28 and 32-36 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. patent No. 4,588,095 to Mehra (hereinafter "Mehra");

(iii) rejected claims 1-2, 4-7, 13-19, 20-23, and 25-36 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. patent No. 4,060,457 to Iizuka et al. (hereinafter "Iizuka") in view of Mehra;

(iv) rejected claims 15 and 31 under 35 U.S.C. § 103(a) as allegedly being obvious over Iizuka, as above, and further in view U.S. patent No. 5,950,832 to Pearlman (hereinafter "Pearlman");

(v) objected to claim 3 as being dependent upon a rejected base claim, but noted that claim 3 would be allowable if re-written in independent form; and

(vi) allowed claims 8-12.

In this response, Applicant has amended claims 1, 2, 3, 5, 6, 21 and 32. Claim 1 has been amended to include limitations formerly included in allowable claim 3. Claims 21 and 32 have been amended to include similar limitations. Claims 2, 3, 5 and 6 have

also been amended consistent with the amendments to claim 1. Additionally, Applicant has amended claims 33 and 34 to overcome the Examiner's rejection of these claims under 35 U.S.C. § 112. Applicant has cancelled claims 13-20.

II. The Rejection of Claims 1-7, and 21-32 Should be Withdrawn

As noted above, Applicant has amended claim 1 to include substantial portions of the limitations formerly found in allowable claim 3. In the May 8, 2006 Office action, the Examiner indicated that claim 3 was allowable. In particular, Applicant has amended claim 1 to include the limitation that "the face and the at least one sidewall form an outer shell, and the tip rack further comprises a support insert connected to the outer shell, wherein the support insert comprises a plurality of support walls that form chambers dimensioned to receive the pipette tips". Applicant made similar amendments related to an outer shell and/or a support insert to independent claims 21 and 32.

Claims 2-7 and 22-31 depend from and incorporate all limitations of one of claims 1 or 21.

It is respectfully submitted that the Examiner's rejection of claims 1-7 and 21-32 should be withdrawn.

III. The Rejection of Claims 33 and 34 Should be Withdrawn

Applicant has amended claims 33 and 34, causing them to depend from and incorporate the limitations of allowable claim 8. Following entry of these claim amendments, it is respectfully submitted that the rejection of claims 33 and 34 should be withdrawn.

IV. Conclusion

It is respectfully submitted that Applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including pending claims 1-7 and 21-34, is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russ Fowler", followed by a long horizontal flourish line.

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